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Of Attorneys for Defendants Maytag Corporation and Fedders Corporation

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DAVID AND MARGE BERG,

Plaintiffs,

v.

NORGE CORPORATION, et al.,
Defendants.

Case No. A00-151CV (JWS)

**SECOND STIPULATED MOTION FOR
EXTENSION OF PRETRIAL
DEADLINES**

The parties, having stipulated to this Motion, request an Order of the Court extending the pre-trial deadlines set forth in the Court's Order of July 28, 2006, as set forth below. This Motion is supported by the discussion below and the Declaration of Seth H. Row, filed herewith. A proposed form of Order on this Motion is filed contemporaneously with this Motion.

MOTION

The parties request that the pre-trial deadlines set out in the Court's Scheduling and Planning Order of July 28, 2006 be extended, as follows:

1. Expert witness disclosure deadline extended from April 10, 2007 for plaintiff to May 15, 2007; and from May 30, 2007 for defendant to June 15, 2007.
2. Final fact witness list deadline extended from December 4, 2006¹ to April 1, 2007.
3. Discovery for fact witnesses completion deadline extended from January 30, 2007 to June 1, 2007.
4. Discovery from expert witness completion deadline extended from July 23, 2007 to August 23, 2007.
5. Dispositive motions and motions *in limine* deadline extended from July 28, 2007 to September 24, 2007.

DISCUSSION

As set out in the enclosed Declaration of Seth H. Row, the parties request the extensions described above because the parties are engaged in extensive discussions regarding settlement, which in this case necessitates the evaluation of complex scientific and technical material relating to ongoing remediation occurring at the site involved in this litigation. Documents necessary to an accurate evaluation of settlement positions are in the sole possession of third parties, and the parties are engaged in discovery with those third parties.

Settlement discussions, and discovery overall in this matter, have been delayed because accurate evaluation of the potential future costs related to the remediation of the contamination at issue (whether or not those costs are in fact damages suffered by plaintiffs) depends upon the results of testing that is being done simultaneously with the remediation, and extrapolation of

¹ Defendants' prior motion, and the Court's July 28, 2006 Order, contained a typographical error that set the final fact witness deadline at December 4, 2007.

those test results into the future. That testing is being done semi-annually when weather permits, with analysis being done months after the testing is done. In order to accurately predict the future course of the remediation it is necessary to have several years' worth of testing under the present remediation scheme.

The parties request that the Court grant this Motion without a scheduling conference.

DATED this 17th day of November, 2006.

HOLLAND & KNIGHT LLP

By: 
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STIPULATED TO BY:


Seth H. Row (*Admitted pro hac vice*)

Of Attorneys for Defendants Maytag
Corporation and Fedders Corporation

Agreed to telephonically 11/17/06
Michael W. Flanigan
Of Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

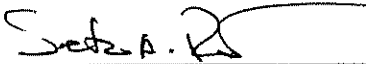
I hereby certify that I served the foregoing **SECOND STIPULATED MOTION FOR EXTENSION OF PRETRIAL DEADLINES** on the following person:

Michael W. Flanigan
Walther & Flanigan
1029 W. 3rd Avenue, Suite 250
Anchorage, AK 99501

by the following indicated method or methods:

- ☒ by mailing full, true and correct copies thereof in sealed, first class postage prepaid envelopes, addressed to the parties and/or their attorneys as shown above, the last-known office addresses of the parties and/or attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- ☐ by causing full, true, and correct copies thereof to be hand-delivered to the parties and/or their attorneys at their last-known office addresses listed above on the date set forth below.
- ☐ by sending full, true, and correct copies thereof, via overnight courier in sealed, prepaid envelopes, addressed to the parties and/or their attorneys as shown above, the last-known office addresses of the attorneys, on the date set forth below.
- ☒ by causing full, true, and correct copies thereof to be delivered via electronic mail to the parties and/or their attorneys at their last-known e-mail addresses listed above on the date set forth below
- ☐ by faxing full, true, and correct copies thereof to the fax machines which are the last-known fax numbers for the parties' and/or attorneys' offices, on the date set forth below.

DATED this 17th day of November, 2006.



Christopher W. Angius
Seth H. Row

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